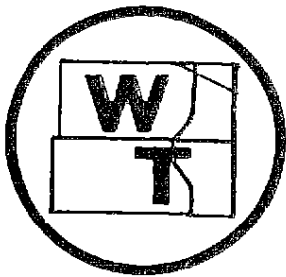


## *Section 4(f)*



# WASHINGTON TOWNSHIP

## HAMILTON COUNTY

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TRUSTEE  
DAVID D. GILL

TOWNSHIP BOARD  
JIM CAREY  
STEVE WEBSTER  
CARL STEELE

Cory Grayburn, Deputy Project Manager  
US 31 Improvement Project  
Parsons Transportation Group  
11405 N. Pennsylvania ST - Suite 100  
Carmel, In 46032

January 3, 2001

Ref: Your December 22, 2000 Letter - Environmental Impact Statement

Dear Mr. Grayburn:

Thank you for your referenced letter and your inclusion of our governmental unit in your notification and planning process.

Regarding the information in the packet, please note that on Sheet No. 7 of 7 (Northeast corner of US 31 & Ind Rte 38) The Washington Township Parks Department is in the process of obtaining 40 acres of parks land north of the Lindley Ditch and immediately east of US 31. The park (named MacGregor Park) will be a passive nature park and we hope to complete acquisition of the land by May of this year.

Sincerely,

David D. Gill  
Washington Township  
Hamilton County - Trustee



## CLAY TOWNSHIP OF HAMILTON COUNTY

10701 North College • Indianapolis, Indiana 46280-1089 • (317) 846-2773 • Fax (317) 846-0744 • Email claytwp@indynet

*Trustee*

Judith F. Hagan

March 23, 2001

*Board Members*

Mary Eckard

Rosmary Hensel

Carl S. Mills

Mr. Cory Grayburn  
Deputy Project Manager  
Parsons Transportation Group  
11405 N. Pennsylvania St. Suite 100  
Carmel, IN 46032

Re: U. S. 31 Improvement Project

Dear Mr. Grayburn,

In response to your invitation, I would like to submit comments for inclusion in the U.S. 31 Improvement Project Study.

My main concern is the potential divisiveness to the surface of our community of upgrading U. S. 31 to freeway status. While Carmel Clay will benefit in many ways from the improvements, there will be equally destructive side effects unless the plan is very well conceived and executed. I support efforts to depress the grade of U.S. 31 as much as possible both to reduce traffic noise and to maintain the "surface" of our community physically intact. A "Great Wall" is not desirable. That lesson should have been learned from the many inner city freeway experiences.

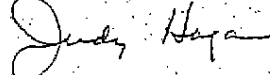
To keep our community intact, I specifically request that 111<sup>th</sup> Street remain a connected cross street in the community, over or under U.S. 31, with width for multi-use paths in order to connect the west side of Clay Township conveniently and safely with the east side. 111<sup>th</sup> Street intersects our new central park and the Monon Trail. Access to these sites by all Township residents should be given high consideration. I hope the same consideration is given to 126<sup>th</sup> Street since it now appears that the interchange will be located at 131<sup>st</sup> Street rather than 126<sup>th</sup> Street. The Hamilton County Alternative Transportation Task Force (H-CAT) and Carmel Clay Alternative Transportation Plan (C-CAT) have both focused on developing alternatives to

car travel in our local area. I am confident that that goal will be important to you as well.

My last comment has to do with the potential use of new materials for paving which deaden traffic noise. Hopefully new technology can be incorporated into the improvement plans to lessen the impact of traffic noise.

Thank you for the opportunity to submit comments.

Sincerely,



Judith F. Hagan

Cc: Mayor Brainard  
Carmel City Council  
Clay Township Board  
Steve Engelking  
Mike Hollibaugh  
Kate Wiese  
Mo Merhoff  
Randy Auler  
Sue Dillon  
Mark Rattermann  
Dennis Faulkenberg

# Memorandum

**To:** Erin Breetzke, M.E.S.

Environmental Planner

**CC:**

**From:** Marty McGaughey

Director of Facilities

Westfield Washington Schools

**Date:** 05/28/02

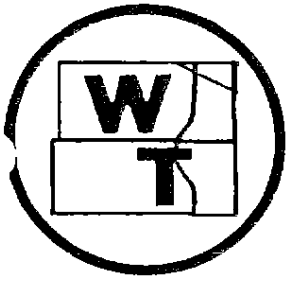
**Re:** Additions to the plat map

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Please find some additions to the public use area on the maps you provided. I have included the track area, two additional base ball/soft ball fields, and a small playground for our physically challenged students. The ball diamonds are for school usage as well as public use, however we do have a procedure to follow to reserve their usage. I would be willing to answer further questions regarding our facilities at any time.

Thank you,

Marty McGaughey



# WASHINGTON TOWNSHIP

## HAMILTON COUNTY

---

TRUSTEE  
DAVID D. GILL

TOWNSHIP BOARD  
JIM CAREY  
STEVE WEBSTER  
CARL STEELE

Erin Breetzke  
Parsons Transportation Group  
11405 N. Pennsylvania St - Suite 100  
Carmel, IN 46032

May 22, 2002

Ref: MacGregor Park

Dear Ms. Breetzke:

Per our conversation this is to verify that Washington Township Parks Department is the owner of MacGregor Park @ US 31 North and IND State Road 38. We are in the process of contracting with a parks designer and builder for development of this property as a nature park.

Sincerely,

David D. Gill, Trustee  
Washington Township - Hamilton County

# TOWN OF WESTFIELD



**TOWN COUNCIL**  
JOHN B. HART  
MICHAEL A. McDONALD  
MIC MEAD  
DAVID D. MIKESELL  
TERESA OTIS SKEITON  
  
**CLERK-TREASURER**  
CINDY J. GOSSARD

April 30, 2003

Mr. Cory Grayburn  
Deputy Project Manager  
Parsons  
11450 North Pennsylvania Street, Suite 100  
Carmel, Indiana 46032

RE: US 31 proposed modifications

Dear Mr. Grayburn:

In review of the proposed F Alternatives, the Town of Westfield agrees that impacts to the South Union Trail are temporary, occurring only during construction activities. In accordance with Section 4(f) requirements, the Town of Westfield agrees that the proposed temporary occupancy of the trail qualifies as a Temporary Construction Easement. The Town of Westfield further agrees that the impacts associated with the project would: 1) be of short duration and less than the time needed for construction of the project; 2) not change the ownership or result in the retention of long-term or indefinite interests in the land for transportation purposes; 3) not result in any temporary or permanent adverse change to the activities, features, or attributes which are important to the purposes or functions that qualify the resource for protection under Section 4(f); and, 4) include only a minor amount of land.

Sincerely,

  
John B. Hart, President  
Westfield Town Council

# TOWN OF WESTFIELD



TOWN COUNCIL  
JOHN B. HART  
MICHAEL A. McDONALD  
MIC MEAD  
DAVID D. MIKESELL  
TERESA OTIS SKELTON  
  
CLERK-TREASURER  
CINDY J. GOSSARD

April 30, 2003

Mr. Cory Grayburn  
Deputy Project Manager  
Parsons  
11450 North Pennsylvania Street, Suite 100  
Carmel, Indiana 46032

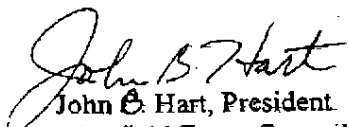
RE: US 31 proposed modifications

Dear Mr. Grayburn:

In review of the proposed G Alternatives, the Town of Westfield agrees that impacts to the South Union Trail are temporary, occurring only during construction activities. In accordance with Section 4(f) requirements, the Town of Westfield agrees that the proposed temporary occupancy of the trail qualifies as a Temporary Construction Easement. The Town of Westfield further agrees that the impacts associated with the project would: 1) be of short duration and less than the time needed for construction of the project; 2) not change the ownership or result in the retention of long-term or indefinite interests in the land for transportation purposes; 3) not result in any temporary or permanent adverse change to the activities, features, or attributes which are important to the purposes or functions that qualify the resource for protection under Section 4(f); and, 4) include only a minor amount of land.

In addition, concerning the proposed bridge span over the trail, the Town of Westfield agrees that: 1) no piers or other appurtenances would be placed within the corridor of the trail; and, 2) the bridge would not harm the purpose for which the trail was established.

Sincerely,

  
John B. Hart, President  
Westfield Town Council



## *Section 7*



IN REPLY REFER TO:

## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
BLOOMINGTON FIELD OFFICE (ES)  
620 South Walker Street  
Bloomington, Indiana 47403-2121  
(812) 334-4261 FAX 334-4273

February 12, 2001

Mr. Cory Grayburn  
Parsons Transportation Group  
11405 North Pennsylvania Street, Suite 100  
Carmel, Indiana 46032

Project : US 31 improvements, I-465 to SR 38 (Des. #9905500)  
Waterway: Multiple stream crossings  
Work Type: Road reconstruction and widening  
County(ies): Hamilton

Dear Mr. Grayburn:

This responds to your letter dated December 22, 2000, initiating early coordination and requesting U.S. Fish and Wildlife Service (FWS) comments on the aforementioned project.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

The information provided in your letter indicates that a previous Major Investment Study was conducted for the US 31 project, with a recommendation to upgrade US 31 rather than develop new alignments. The FWS reviewed previous early coordination for this project in our letters of April 18, 1994 (entire US 31 corridor study), and January 16, 1996, and we provided comments in response to a Notice of Intent to prepare an EIS in our letter of July 26, 2000 (copy attached). At those times several route alternatives were still under consideration.

We recommend some clarification in the legend of Figures 1-7 in the early coordination package. Several areas identified by signature in the legend as "prime farmland" or "hydric soils and prime farmland" are currently forested, and in some cases are labeled as deciduous forest on the figures. These areas may contain prime farmland soils, but if they are currently forested they should not be referred to as farmland.

As stated in our July, 2000 letter, an area of potentially significant impacts upon wildlife habitat is the US 31/SR 431 interchange at 146<sup>th</sup> Street. The 1995 early coordination packet stated that two configuration alternatives were under consideration for this interchange (configurations "C"

and "D"), and that both alternatives would result in channelization of approximately 1200 feet of Cool Creek and the loss of several hectares of forest in the Cool Creek floodplain. As previously stated, we have serious concerns about any design alternatives that would require major alterations of a perennial stream and its forested floodplain.

A biologist from our Bloomington Field Office inspected the project corridor on February 8, 2001. There are several woodlots along both sides of US 31, some of which are associated with tributary streams. These riparian woods tend to extend near the existing US 31 shoulders or bridges, whereas most other woodlots are set back beyond the mowed right-of-way. Several wooded areas have been cleared or fragmented for development since the previous early coordination packages were sent out.

Some areas within The Cool Creek floodplain near the US 31/SR 431 interchange have also been further deforested and filled for development in recent years. We inspected the floodplain at the interchange from 3 locations: from the SR 431 bridge; from the sewer line easement off the unmaintained gravel road south of 146<sup>th</sup> Street and east of the SR 431 merging ramp; and along the Hiway Run tributary corridor east of US 31 and Range Line Road in Carmel. Both Cool Creek and Hiway Run appear to be good streams for aquatic habitat in this area, with gravel/cobble bottoms, generally stable banks and good riparian vegetation (Photos 1, 2). The floodplain is still mostly forested with a mixture of native hardwood species, including sycamore, silver maple, green ash, American elm, cottonwood and American beech. Several large specimens of cottonwood, beech and sycamore are present in some locations. Some areas have younger growth interspersed with black locust and osage orange, indicating that they have regrown from a disturbed condition such as pasture. The stream banks and riparian zones are all forested and stable. In general the stream corridor and forested floodplain provide a large block of wildlife habitat relative to the intense development in most of the surrounding area.

US 31 lies adjacent to a forested reach of the Cool Creek floodplain north of 156<sup>th</sup> Street, on the east side of the highway. This forest is of a similar composition to that previously mentioned. It is fairly young but is still providing important wildlife habitat and protection for Cool Creek.

Previous coordination and your current early coordination packet note that wetlands are located in several locations along the US 31 corridor, but thus far wetlands have not been delineated and quantified. We cannot comment on wetland impacts until more information is provided, except to recommend that wetland impacts be held to a minimum. Floodplain wetlands are of particular importance due to their role in protecting water quality and aquatic communities.

## ENDANGERED SPECIES

The proposed project is within the range of the Federally endangered Indiana bat (*Myotis sodalis*) and federally threatened bald eagle (*Haliaeetus leucocephalus*). At this time there are no eagle nests or significant habitat areas near the project corridor.

Indiana bats hibernate in caves, then disperse to reproduce and forage in relatively undisturbed forested areas associated with water resources during spring and summer. Young are raised in nursery colony roosts in trees, typically near drainageways in undeveloped areas.

There is suitable summer habitat for this species in forested areas along Cool Creek and possibly in other forested areas along the project route. There are no current records of Indiana bats near the project corridor but to our knowledge none of the streams in the affected area have been surveyed. There are multiple records of this species in adjacent Marion County, including a location within 10 miles of the project. Since the boundaries of the impact area have not yet been established we cannot make a determination as to whether the project may adversely affect the Indiana bat. The area of greatest concern is the Cool Creel corridor around and downstream from the US 31/SR 431 interchange. We will provide further coordination regarding endangered species as the environmental review process progresses.

This endangered species information is provided for technical assistance only, and does not fulfill the requirements of Section 7 of the Endangered Species Act.

Our major recommendation for this project concerns the design of the US 31/SR 431 interchange. This interchange should be designed with the following considerations:

1. Avoid relocation of Cool Creek, and avoid channel/bank disturbance except for the minimum necessary for bridge crossings.
2. Avoid disturbance in currently forested areas within 100 feet on both sides of the stream, except at bridge crossings..
3. Minimize tree-clearing within the forested floodplain.
4. Mitigate for forest loss by reforestation within the Cool Creek floodplain.

The following mitigation additional measures for stream crossings and erosion control should be incorporated into the project design.

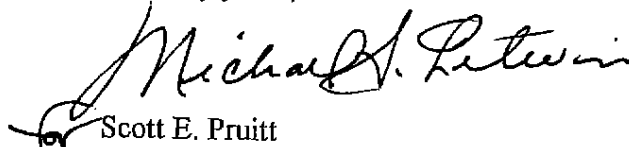
1. Design the road reconstruction to minimize impacts on remaining woodlots, especially wooded riparian areas. Of special significance in this regard is the area on the east side of US 31 north of 156<sup>th</sup> Street, where the highway is immediately adjacent to the forested floodplain of Cool Creek.
2. Post DO NOT DISTURB signs at the construction zone boundaries and do not clear trees or understory vegetation outside the boundaries.
3. Implement temporary erosion and siltation control devices such as placement of straw bales in drainage ways and ditches, covering exposed areas with erosion control materials, and grading slopes to retain runoff in basins.
4. Revegetate all disturbed soil areas immediately upon project completion.

For stream crossings:

5. Restrict below low-water work to placement of piers, pilings and/or footings, shaping of the spill slopes around the bridge abutments, and placement of riprap.
6. For stream crossings, restrict channel work and vegetation clearing to within the width of the normal approach road right-of-way.
7. Minimize the extent of artificial bank stabilization.
8. If riprap is utilized for bank stabilization, extend it below low-water elevation to provide aquatic habitat.
9. Avoid channel work during the fish spawning season (April 1 through June 30).

For further discussion please contact Mike Litwin at (812) 334-4261 (ext. 205).

Sincerely yours,

  
Scott E. Pruitt  
Field Supervisor

cc: Federal Highway Administration, Indianapolis, IN  
Andrew Pelloso, IDEM, Water Quality Standards Section, Indianapolis, IN  
Steve Jose, Indiana Division of Fish and Wildlife, Indianapolis, IN  
Manager, Environmental Assessment, INDOT, Rm 1107, Indianapolis, IN  
Joel Johnston, J. F. New and Associates, Indianapolis, IN



Photo 1 Many Run

Photo 2 Look back at river confluence





IN REPLY REFER TO:

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

### BLOOMINGTON FIELD OFFICE (ES)

620 South Walker Street  
Bloomington, Indiana 47403-2121  
(812) 334-4261 FAX 334-4273

July 25, 2001

Mr. Cory Grayburn  
Parsons Transportation Group  
11405 North Pennsylvania Street, Suite 100  
Carmel, Indiana 46032

Project : US 31 improvements, I-465 to SR 38 (Des. #9905500)  
Waterway: Multiple stream crossings  
Work Type: Road reconstruction and widening  
County(ies): Hamilton

Dear Mr. Grayburn:

This provides the U.S. Fish and Wildlife Service (FWS) comments in response to the June 28, 2001 interagency review meeting and field inspection for the aforementioned project.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

#### PURPOSE AND NEED

We concur with The US EPA representative's comments at the interagency review meeting that origin/destination studies should be performed to ensure that the selected route will best address the traffic patterns which are generating the congestion problems.

We also recommend that you use the results of the origin/destination studies to give full consideration to mass transit alternatives, possibly in concert with road construction alternatives, to address the congestion problems on US 31. Mass transit facilities at key locations may reduce the scope of road reconstruction, or may improve the level of service beyond what the road reconstruction alone can attain. The benefits of mass transit alternatives may not be fully realized until facilities have been in place long enough for commuters to become accustomed to using them. A substantial increase in mass transit use would produce environmental benefits in terms of water quality and air quality.

Serious consideration should be given to pedestrian/bicycle facilities, including multi-use trails on all route alternatives.

## ROUTE ALTERNATIVES AND PROJECT IMPACTS

We have conducted an inspection of potentially sensitive areas along the existing US 31 route alternative. As discussed in our previous letters and in your meeting minutes, our major concern with that alternative is the Cool Creek corridor and floodplain wetland complex that it located near the existing US 31/SR 431 interchange. A reconfiguration of the US 31/SR 431 interchange that had substantial impacts on this area would be unacceptable to this agency. Another area of concern is a forested section of the Cool Creek floodplain near US 31 north of 156<sup>th</sup> Street. Due to the proximity to Cool Creek at this location, no new right-of-way should be taken from the forested floodplain.

We have not inspected the other route alternatives that were presented at the meeting, except for the driving survey from existing roads. We are not aware of any highly sensitive areas that would be affected by the other routes, however there are several potential crossings of forested stream corridors, including Williams Creek and several of its tributaries. Minor wetland impacts may also occur on these routes. We may need additional field inspections to further evaluate these issues.

The general feeling among INDOT and FHWA staff at the meeting was that the far western routes may not fulfill the project purpose of reducing congestion, however more information on this subject may be provided by the results of the origin/destination studies.

## ENDANGERED SPECIES

As stated in our previous letters, the proposed project is within the range of the Federally endangered Indiana bat (*Myotis sodalis*) and federally threatened bald eagle (*Haliaeetus leucocephalus*). At this time there are no eagle nests or significant habitat areas near the project corridor.

There is suitable summer habitat for Indiana bats in forested areas along Cool Creek, and possibly in other forested areas along the project route. There are no current records of Indiana bats near the project corridor but to our knowledge none of the streams in the affected area have been surveyed. There are multiple records of this species in adjacent Marion County, including a location within 10 miles of the project. Since the boundaries of the impact area have not yet been established we cannot make a determination as to whether the project may adversely affect the Indiana bat. The area of greatest concern is the Cool Creel corridor around and downstream from the US 31/SR 431 interchange. If any design alternatives would result in substantial impacts to the forested stream corridor and floodplain, we recommend that a bat survey be performed in this area.

This endangered species information is provided for technical assistance only, and does not fulfill the requirements of Section 7 of the Endangered Species Act.



## RECOMMENDATION SUMMARY

### US 31/SR 431 Interchange

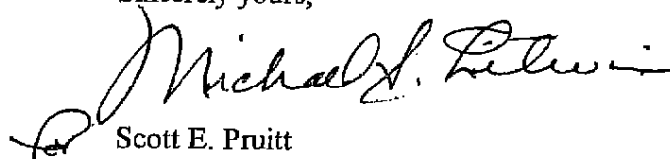
1. Avoid relocation of Cool Creek or its tributaries, and avoid channel/bank disturbance except for the minimum necessary for bridge crossings.
2. Avoid any significant alteration of the wetlands and forested floodplain.
3. Mitigate for unavoidable forest loss by reforestation within the Cool Creek floodplain.

### Other Stream Crossings Floodplains

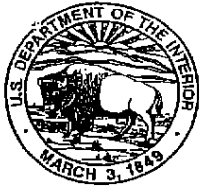
1. Avoid forest clearing in the area on the east side of US 31 north of 156<sup>th</sup> Street, where the highway is immediately adjacent to the forested floodplain of Cool Creek.
2. Design crossings to avoid channel relocations and otherwise minimize alterations of the stream channels and riparian zones.
3. Implement standard mitigation measures as identified in our previous letters.

For further discussion please contact Mike Litwin at (812) 334-4261 (ext. 205).

Sincerely yours,

  
Scott E. Pruitt  
Field Supervisor

cc: Federal Highway Administration, Indianapolis, IN  
Andrew Pelloso, IDEM, Water Quality Standards Section, Indianapolis, IN  
Steve Jose, Indiana Division of Fish and Wildlife, Indianapolis, IN  
Manager, Environmental Assessment, INDOT, Rm 1107, Indianapolis, IN



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
BLOOMINGTON FIELD OFFICE (ES)  
620 South Walker Street  
Bloomington, IN 47403-2121  
(812) 334-4261 FAX (812) 334-4273

August 30, 2002

Mr. Cory Grayburn  
Parsons Transportation Group  
11405 North Pennsylvania Street, Suite 100  
Carmel, Indiana 46032

Project : US 31 improvements, I-465 to SR 38 (Des. #9905500)  
Waterway: Multiple stream crossings  
Work Type: Road reconstruction and widening  
County(ies): Hamilton

Dear Mr. Grayburn:

This letter provides the U.S. Fish and Wildlife Service (FWS) comments on the US 31 Preliminary Alternatives Analysis and Screening Report dated July, 2002. The FWS participated in the interagency review meeting of August 7, 2002.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

## Alternatives Screening Process

The alternative screening process used two phases; Phase 1 addressed purpose and need, followed by Phase 2 which addressed environmental impacts. Six of the ten highway build alternatives, along with mass transit alternatives and both non-structural alternatives (TDM) and TSM), were eliminated in Phase 1 because they did not meet the purpose and need. Two other build alternatives (E and H) were eliminated in Phase 2 due to the extent of environmental impacts. The remaining alternatives carried forward are F (freeway standards on existing alignment) and G (freeway standards with new alignment north of 161<sup>st</sup> Street).

It seems unusual that more than half of the preliminary build alternatives do not need the project purpose and need. All of the build alternatives which avoided the environmentally sensitive area at the SR 431 interchange were eliminated, therefore all

the remaining alternatives are likely to have substantial impacts on the wetlands and floodplain in that area.

We recommend that mass transit be kept as a component of the alternatives being carried forward. Opting entirely for highway construction instead of mass transit in urban areas will substantially increase future transportation impacts on air quality, water quality, and aquatic habitat. Keeping a mass transit component might further reduce environmental impacts by reducing the number of additional lanes needed to handle future peak period traffic.

#### Environmental Impact Analysis

We concur that the level of impact analysis was adequate for the preliminary alternatives level of analysis. Appendix A provides quantitative impact estimates for Alternatives E, F, G, and H from loss of forest, wetlands, and floodplains (acres), and stream channel disturbance (number of crossings and linear feet of stream channel affected). Comparable data was not provided for the build alternative eliminated in Phase 1; if similar environmental impact data is available for those alternatives we would like the opportunity to review it.

#### Comments on Alternatives to be Carried Forward

We have conducted a brief inspection of potentially sensitive areas along Alternative F (the existing US 31 route alternative), however we have not inspected the new alignment portion of Alternative G. We cannot provide comprehensive comments at this point, however we will provide preliminary comments based on the data in Table A-1.

Alternative G would result in greater loss of forest (85 acres vs 58 acres for Alternative F), forested wetland (8 acres vs 3 acres) and floodplains (54 acres vs 38 acres). Alternative F would result in slightly greater stream impacts (12 crossings vs 11, and 5170 linear feet vs 4715 feet). A functional comparison of stream impacts cannot be determined without field studies. The streams, floodplains and wetlands along the existing alignment have already been disturbed, therefore the functional extent of impacts may be greater in undeveloped areas along the new alignment of Alternative G.

As discussed in our previous letters and in your meeting minutes, our major concern with this project is the Cool Creek corridor and floodplain wetland complex that it located near the existing US 31/SR 431 interchange. The two remaining alternatives would have identical and substantial impacts on wildlife habitat in this location, especially in view of cumulative impacts from other construction projects recently completed or currently under review. We strongly recommend that the environmental analysis provide alternatives for the configuration of this interchange to minimize habitat loss.

Another area of concern previously mentioned is a forested section of the Cool Creek floodplain near US 31 north of 156<sup>th</sup> Street. Based on Figures A-1 and A-3 it appears

that Alternative G could have substantial impacts on the stream, floodplain and riparian forest in this location, and also further upstream along Cool Creek.

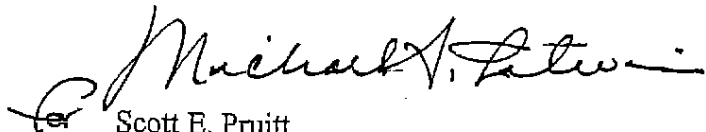
#### ENDANGERED SPECIES

As stated in our previous letters, the proposed project is within the range of the Federally endangered Indiana bat (*Myotis sodalis*) and federally threatened bald eagle (*Haliaeetus leucocephalus*). All of our previous endangered species comments are still appropriate. For purposes of Section 7 consultation the Federal Highway Administration should either consider the Indiana bat present in the potentially affected habitat areas along Cool Creek, or conduct mist net surveys to demonstrate that the project will not cause adverse effects to the Indiana bat. If bat surveys are conducted, please coordinate with this office in advance to ensure that all FWS permitting requirements and survey protocols are being addressed.

This endangered species information is provided for technical assistance only, and does not fulfill the requirements of Section 7 of the Endangered Species Act.

For further discussion please contact Mike Litwin at (812) 334-4261 (ext. 205).

Sincerely yours,

  
Scott E. Pruitt  
Field Supervisor

cc: Federal Highway Administration, Indianapolis, IN  
Virginia Laszewski, US EPA, B-19J, Chicago, IL  
Andrew Pelloso, IDEM, Water Quality Standards Section, Indianapolis, IN  
Christie Kiefer, Indiana Division of Fish and Wildlife, Indianapolis, IN  
Manager, Environmental Assessment, INDOT, Rm 1107, Indianapolis, IN



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

BLOOMINGTON FIELD OFFICE (ES)

620 South Walker Street

Bloomington, IN 47403-2121

(812) 334-4261 FAX (812) 334-4273

April 30, 2003

Mr. Jason Hignite  
Parsons Transportation Group  
11405 North Pennsylvania Street, Suite 100  
Carmel, Indiana 46032

Project : US 31 improvements, I-465 to SR 38 (Des. #9905500)  
Waterway: Multiple stream crossings  
Work Type: Road reconstruction and widening  
County(ies): Hamilton

Dear Mr. Hignite:

The U.S. Fish and Wildlife Service (FWS) has reviewed the bat survey report for the aforementioned project, submitted to our Bloomington Field Office on April 28, 2003. This letter provides the FWS' comments and conclusions regarding the report.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

### General comments

The bat survey was recommended by the FWS during our NEPA review of the US 31 project, to address potential effects on the Indiana bat under Section 7 of the Endangered Species Act. Although the survey was conducted in May and June of 2002, we were not aware of it until your submission almost a year later. Normal procedure is to notify the FWS in advance of a proposed endangered species survey, to ensure that appropriate survey protocols are being used (see attachment) and that endangered species permitting requirements have been met in the event that a listed species is taken during the survey. In this case, highly qualified personnel were used for the survey and no listed species were taken. Based on the survey report and a telephone conversation with you, the FWS' survey protocols were met, therefore there are no substantive problems resulting from the lack of advance notification.

Endangered Species Act concurrence

Since no Indiana bats or other federally listed bat species were taken during the survey, we conclude that the proposed project is not likely to adversely effect any federally listed species.

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans which would affect endangered species habitat not addressed by the previous coordination, or if a revised species list is published, it will be necessary for the Federal agency to reinitiate consultation.

For further discussion please contact Mike Litwin at (812) 334-4261 (ext. 205).

Sincerely yours,

A handwritten signature in black ink, appearing to read "Scott E. Pruitt", is written over a horizontal line.

Scott E. Pruitt  
Field Supervisor

cc: Federal Highway Administration, Indianapolis, IN  
Virginia Laszewski, US EPA, B-19J, Chicago, IL  
Andrew Pelloso, IDEM, Water Quality Standards Section, Indianapolis, IN  
Christie Kiefer, Indiana Division of Fish and Wildlife, Indianapolis, IN  
Manager, Environmental Assessment, INDOT, Rm 1107, Indianapolis, IN

Attachment 2.

## MIST NETTING GUIDELINES

### RATIONALE

A typical mist net survey is an attempt to determine presence or probable absence of the species; it does not provide sufficient data to determine population size or structure. Following these guidelines will standardize procedures for mist netting. It will help maximize the potential for capture of Indiana bats at a minimum acceptable level of effort. Although the capture of bats confirms their presence, failure to catch bats does not absolutely confirm their absence. Netting effort as extensive as outlined below usually is sufficient to capture Indiana bats. However, there have been instances in which additional effort was necessary to detect the presence of the species.

### NETTING SEASON

May 15 - August 15

These dates define acceptable limits for documenting the presence of summer populations of Indiana bats, especially maternity colonies. Several captures, including adult females and young of the year, indicate that a nursery colony is active in the area. Outside these dates, even when Indiana bats are caught, data should be carefully interpreted: If only a single bat is captured, it may be a transient or migratory individual.

### EQUIPMENT

Mist nets - Use the finest, lowest visibility mesh commercially available:

1. In the past, this was 1 ply, 40 denier monofilament – denoted 40/1
2. Currently, monofilament is not available and the finest on the market is 2 ply, 50 denier nylon – denoted 50/2
3. Mesh of approximately  $1 \frac{1}{2}$  ( $1 \frac{1}{4}$  -  $1 \frac{3}{4}$ ) in (~38 mm)

Hardware - No specific hardware is required. There are many suitable systems of ropes and/or poles to hold the nets. See NET PLACEMENT below for minimum net heights, habitats, and other netting requirements that affect the choice of hardware. The system of Gardner, *et al.* (1989) has met the test of time.

### NET PLACEMENT

Potential travel corridors such as streams or logging trails typically are the most effective places to net. Place the nets approximately perpendicular across the corridor. Nets should fill the corridor from side to side and from stream (or ground) level up to the overhanging canopy. A

typical set is seven meters high consisting of three or more nets "stacked" on top one another and up to 20 m wide. (Different width nets may be purchased and used as the situation dictates.)

Occasionally it may be desirable to net where there is no good corridor. Take caution to get the nets up into the canopy. The typical equipment described in the section above may be inadequate for these situations, requiring innovation on the part of the observers.

## RECOMMENDED NET SITE SPACING:

Stream corridors – one net site per km of stream.

Non-corridor land tracts – two net sites per square km of forested habitat.

## MINIMUM LEVEL OF EFFORT

Netting at each site should consist of:

- At least four net nights (unless bats are caught sooner) (one net set up for one night = one net night)

- A minimum of two net locations at each site (at least 30 m apart, especially in linear habitat such as a stream corridor)

- A minimum of two nights of netting

- Sample Period: begin at sunset; net for at least 5 hr

- Each net should be checked approximately every 20 min

- No disturbance near the nets, other than to check nets and remove bats

## WEATHER CONDITIONS

Severe weather adversely affects capture of bats. If Indiana bats are caught during weather extremes, it is probably because they are at the site and active despite inclement weather. On the other hand, if bats are not caught, it may be that there are bats at the site but they may be inactive due to the weather. Negative results combined with any of the following weather conditions throughout all or most of a sampling period are likely to require additional netting:

- Precipitation

- Temperatures below 10°C

- Strong winds (Use good judgment: moving nets are more likely to be detected by bats.)

## MOONLIGHT

There is some evidence that small myotome bats avoid brightly lit areas, perhaps as predator avoidance. It is typically best to set nets under the canopy where they are out of the moon light, particularly when the moon is ½-full or greater.



## *General*



IN REPLY REFER TO:

## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
BLOOMINGTON FIELD OFFICE (ES)

620 South Walker Street  
Bloomington, Indiana 47403-2121  
(812) 334-4261 FAX 334-4273  
July 26, 2000

Mr. Robert Dirks  
Federal Highway Administration  
Federal Office Building, Room 254  
575 North Pennsylvania Street  
Indianapolis, Indiana 46204

Dear Mr. Dirks:

This responds to the federal register notice of June 21, 2000 requesting comments on a Notice of Intent to prepare an Environmental Impact Statement for the US 31 improvement between Interstate 465 and State Road 38 in Hamilton County, Indiana. The US Fish and Wildlife Service (FWS) is submitting comments pursuant to Department of Interior notice # ER 00/0481 (Project Designation #9905500).

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

The FWS participated in early coordination for this project in 1996. At that time 6 route alternatives were being considered in addition to upgrading of the existing US 31 corridor. Impacts on streams and wildlife habitat varied considerably among alternatives. We recommended Western Alternative 5 as having the least impacts. Issues of concern are as follows:

### Wetlands

None of the alternatives were predicted to have substantial wetland impacts, however insufficient information was provided for a thorough analysis.

### Streams

The number of proposed stream crossings varied from 2 to 10 for the 7 alternatives. The worst impacts would be at the 146<sup>th</sup> street interchange of the US 31 upgrade alternative, where 1200 feet of perennial stream relocation would be required. This amount of stream alteration is an issue of major concern for the FWS.

### Forest clearing and fragmentation

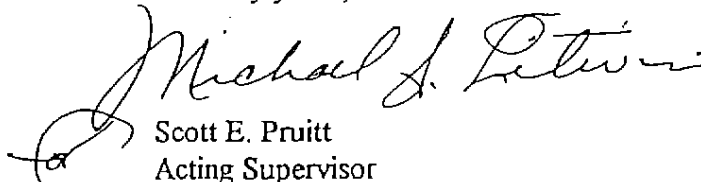
Estimated forest loss ranged from 5 to 20 hectares for the 7 alternatives. The forested wetland acreage was unknown at the time of early coordination. Forest losses of greatest concern are in riparian areas and floodplains.

### Endangered Species

The proposed project is within the range of the federally endangered Indiana bat (*Myotis sodalis*) and federally threatened bald eagle (*Haliaeetus leucocephalus*). There are no bald eagle nests or significant habitat for this species near the study area. There is summer reproductive/foraging habitat for Indiana bats within the study area, in the form of forested stream corridors and adjacent forest, however to our knowledge the area has not been surveyed for this species. There are current records of Indiana bats in adjacent Marion County. The project has the potential to adversely affect the Indiana bat in areas where new alignments of roads and interchanges disturb forested stream corridors.

For further discussion, please contact Mike Litwin at (812) 334-4261 ext. 205.

Sincerely yours,



Scott E. Pruitt  
Acting Supervisor

cc: Andrew Pelloso, IDEM, Water Quality Standards Section, Indianapolis, IN  
Steve Jose, Indiana Division of Fish and Wildlife, Indianapolis, IN  
Manager, Environmental Assessment, INDOT, Rm 1107, Indianapolis, IN  
Regional Director, FWS, Twin Cities, MN (ES-DHC)

ES: MLitwin/332-4261/July 26, 2000



Indiana Department of Natural Resources

Frank O'Bannon, Governor  
Larry D. Macklin, Director

Division of Nature Preserves  
402 W. Washington Street, Rm. W267  
Indianapolis, IN 46204-2739

February 15, 2001

Mr. Joel J. Johnston  
J.F. New & Associates, Inc.  
3955 Eagle Creek Parkway, Suite A  
Indianapolis, IN 46254

Dear Mr. Johnston:

I am responding to your request for information on the endangered, threatened, or rare (ETR) species, high quality natural communities, and natural areas documented from the US 31 Improvement Project area, Hamilton County, Indiana. The Indiana Natural Heritage Data Center has been checked and enclosed you will find information on the ETR species and significant areas documented near the project area.

For more information on federally funded Land and Water Conservation Fund Sites, contact the LWCF Program, Division of Outdoor Recreation, 402 W. Washington St, Room W271, Indianapolis, IN 46204, 317-232-4070.

For more information on the animal species mentioned, please contact Katie Smith, Nongame Supervisor, Division of Fish and Wildlife, 402 W. Washington Room W273, Indianapolis, Indiana 46204, (317)232-4080.

The information I am providing does not preclude the requirement for further consultation with the U.S. Fish and Wildlife Service as required under Section 7 of the Endangered Species Act of 1973. You should contact the Service at their Bloomington, Indiana office.

U.S. Fish and Wildlife Service  
620 South Walker St.  
Bloomington, Indiana 47403-2121  
(812)334-4261

At some point, you may need to contact the Department of Natural Resources' Environmental Review Coordinator so that other divisions within the department have the opportunity to review your proposal. For more information, please contact:

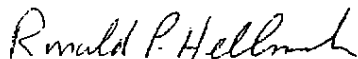
Larry Macklin, Director  
Department of Natural Resources  
attn: Stephen H. Jose  
Environmental Coordinator  
Division of Fish and Wildlife  
402 W. Washington Street, Room W273  
Indianapolis, IN 46204  
(317)232-4080

Please note that the Indiana Natural Heritage Data Center relies on the observations of many individuals for our data. In most cases, the information is not the result of comprehensive field surveys conducted at particular sites. Therefore, our statement that there are no documented significant natural features at a site should not be interpreted to mean that the site does not support special plants or animals.

Due to the dynamic nature and sensitivity of the data, this information should not be used for any project other than that for which it was originally intended. It may be necessary for you to request updated material from us in order to base your planning decisions on the most current information.

Thank you for contacting the Indiana Natural Heritage Data Center. You may reach me at (317)232-4052 if you have any questions or need additional information.

Sincerely,



Ronald P. Hellmich  
Indiana Natural Heritage Data Center

enclosure:      data sheet

February 15, 2001

ENDANGERED, THREATENED, AND RARE SPECIES  
AND HIGH QUALITY NATURAL COMMUNITIES AND NATURAL AREAS DOCUMENTED NEAR  
THE US 31 IMPROVEMENT PROJECT, HAMILTON COUNTY, INDIANA

Type . . . . . Element Name . . . . . Common Name . . . . . State Fed. . . . . Townrang Sec. . . . . Date Comments

CARMEL QUADRANGLE  
BITTERNUT WOODS NATURE PRESERVE (THE NATURE CONSERVANCY)  
High Quality FOREST - FLOODPLAIN WET-MESIC FLOODPLAIN SG \*\* 017N003E 03 SEQ NO D  
Community WET-MESIC FOREST  
High Quality FOREST - UPLAND MESIC MESIC UPLAND FOREST SG \*\* 017N003E 03 SEQ NO D  
Community

\*TATE. SX=extirpated, SE=endangered, ST=threatened, SR=rare, SSC=special concern, WL=watch list, SG=significant, SRE=state reintroduced  
FEDERAL: LE=endangered, LT=threatened, LELT=different listings for specific ranges of species, PE=proposed endangered, PT=proposed threatened, E/SA=appearance similar to LE species, \*\*=not listed



Indiana Department of Natural Resources

Frank O'Bannon, Governor  
Larry D. Macklin, Director

Diversity and Habitat Protection Unit  
Division of Fish and Wildlife  
402 W. Washington Street, Rm. W-273  
Indianapolis, IN 46204

22 May 2001

Mr. Cory Grayburn  
Deputy Project Manager  
Parson Transportation Group  
11405 North Pennsylvania Street, Suite 100  
Carmel, IN 46032

Re: DNR #8610 - Proposed improvements to US 31: I-465 to State Road 38; Hamilton County, Des. No. 9905500

Dear Mr. Grayburn:

The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the national Environmental Policy Act of 1969.

This proposal may require the formal approval of our agency for construction in a floodway pursuant to the Flood Control Act (IC 14-28-1). Please see the enclosure for more information concerning this.

The Natural Heritage Program's data have been checked. To date, no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur in the project vicinity.

The Division of Fish and Wildlife cannot offer specific comments as the submitted document does contain enough detail for the identification and assessment of impacts to natural resources. The division recommends that planning efforts focus on avoiding impacts to wetlands, wooded and forest habitats, and stream and riparian habitats. The division will offer more specific comments when more detailed information becomes available for review.

We appreciate this opportunity to be of service and apologize for not being able to respond sooner in this matter. Please do not hesitate to contact me at (317) 232-4080 if our agency can be of further assistance.

Sincerely,

Stephen H. Jose  
Environmental Coordinator



Indiana Department of Natural Resources

Frank O'Bannon, Governor  
Larry D. Macklin, Director  
Division of Nature Preserves  
402 W. Washington Street, Rm. W267  
Indianapolis, IN 46204-2739

January 31, 2002

Ms. Erin Breetzke, M.E.S.  
Parsons Transportation Group  
11405 North Pennsylvania Street, Suite 100  
Carmel, IN 46032

Dear Ms. Breetzke:

I am responding to your request for information on the endangered, threatened, or rare (ETR) species, high quality natural communities, and natural areas documented from the US 31/SR 431 project area, Hamilton & Marion County, Indiana. The Indiana Natural Heritage Data Center has been checked and enclosed you will find information on the ETR species and significant areas documented from the project area.

For more information on the animal species mentioned, please contact Katie Smith, Nongame Supervisor, Division of Fish and Wildlife, 402 W. Washington Room W273, Indianapolis, Indiana 46204, (317)232-4080.

The information I am providing does not preclude the requirement for further consultation with the U.S. Fish and Wildlife Service as required under Section 7 of the Endangered Species Act of 1973. You should contact the Service at their Bloomington, Indiana office.

U.S. Fish and Wildlife Service  
620 South Walker St.  
Bloomington, Indiana 47403-2121  
(812)334-4261

At some point, you may need to contact the Department of Natural Resources' Environmental Review Coordinator so that other divisions within the department have the opportunity to review your proposal. For more information, please contact:

Larry Macklin, Director  
Department of Natural Resources  
attn: Stephen H. Jose  
Environmental Coordinator  
Division of Fish and Wildlife  
402 W. Washington Street, Room W273  
Indianapolis, IN 46204  
(317)232-4080

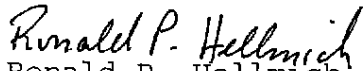


Please note that the Indiana Natural Heritage Data Center relies on the observations of many individuals for our data. In most cases, the information is not the result of comprehensive field surveys conducted at particular sites. Therefore, our statement that there are no documented significant natural features at a site should not be interpreted to mean that the site does not support special plants or animals.

Due to the dynamic nature and sensitivity of the data, this information should not be used for any project other than that for which it was originally intended. It may be necessary for you to request updated material from us in order to base your planning decisions on the most current information.

Thank you for contacting the Indiana Natural Heritage Data Center. You may reach me at (317)232-8059 if you have any questions or need additional information.

Sincerely,



Ronald P. Hellmich  
Indiana Natural Heritage Data Center

enclosure: data sheet

ENDANGERED, THREATENED AND RARE SPECIES,  
HIGH QUALITY NATURAL COMMUNITIES, AND SIGNIFICANT NATURAL AREAS DOCUMENTED  
FROM THE US 31/SR 431 PROJECT AREA, HAMILTON & MARION COUNTIES, INDIANA

<u>TYPE</u>	<u>SPECIES NAME</u>	<u>COMMON NAME</u>	<u>STATE</u>	<u>FED</u>	<u>LOCATION</u>	<u>DATE</u>	<u>COMMENT</u>
<b>CARMEL</b>							
<u>BITTERNUT WOODS NATURE PRESERVE</u>							
Forest	FOREST - FLOODPLAIN	WET-MESIC	SG	**	T17NR03E 03 SEQ	NO D	
	WET-MESIC	FLOODPLAIN FOREST					
Forest	FOREST - UPLAND	MESIC UPLAND FOREST	SG	**	T17NR03E 03 SEQ	NO D	
	MESIC						
<b>FISHERS</b>							
Bird	BUTEO LINEATUS	RED-SHOULDERED	SSC	**	T18NR04E 29 NWQ	1957	
		HAWK					
Mammal	TAXIDEA TAXUS	AMERICAN BADGER	SE	**	T18NR04E	1985	
					CARMEL		
Mammal	TAXIDEA TAXUS	AMERICAN BADGER	SE	**	T17NR04E 07 N1/2	1989	
					SEQ		

STATE: SX=extirpated, SE=endangered, ST=threatened, SR=rare, SSC=special concern, WL=watch list,  
SG=significant, \*\* no status but rarity warrants concern  
FEDERAL: LE=endangered, LT=threatened, LELT=different listings for specific ranges of species, PE=proposed  
endangered, PT=proposed threatened, E/SA=appearance similar to LE species, \*\*=not listed

# Memo



**J.F. New &  
Associates**

*ecological consultants & environmental engineers*

**To:** Cory Grayburn  
**From:** Jason Hignite  
**CC:** Marc Woernle  
**Date:** 10/15/2002  
**Re:** Peregrine Falcon issue

---

Cory,

I contacted the United States Fish and Wildlife Service (USFWS) and the Indiana Department of Natural Resources (IDNR), Fish and Wildlife Division concerning the apparent peregrine falcon issue raised by Ms. Thiel in her emailed dated August 20, 2002. The following is the result of my conversations with various agency officials on October 15, 2002:

- According to the USFWS, the peregrine falcon is no longer a federally protected species under the Endangered Species Act.
- The peregrine falcon is federally protected under the Migratory Bird Treaty Act. This would involve the direct "taking" of species or destruction of confirmed nesting sites.
- According to the IDNR, the peregrine falcon is a state listed endangered species.
- According to the IDNR, after a description of the project area, there is inadequate habitat for the peregrine falcon in the US 31 Improvement Project area.
- According to the IDNR, there have been no confirmed reports of peregrine falcons in Hamilton County, Indiana.
- According to the IDNR, most of the peregrine falcons in the State of Indiana are banded.
- According to the IDNR, Cooper's hawks, redtail hawks, and American kestrels are misidentified as peregrine falcons by the general public on a regular basis. The IDNR has developed a link on their website that discusses the identification of peregrine falcons.

If you have questions or concerns, please let me know.

- Jason C. Hignite

J. F. New and Associates, Inc.